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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/596,323	06/09/2006	Philippe Gentric	FR030152	5344
65913	7550	01/02/2009	EXAMINER	
NXP, B.V. NXP INTELLECTUAL PROPERTY DEPARTMENT M/S41-SJ 1109 MCKAY DRIVE SAN JOSE, CA 95131			TORRES, MARCOS L	
			ART UNIT	PAPER NUMBER
			2617	
			NOTIFICATION DATE	DELIVERY MODE
			01/02/2009	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ip.department.us@nxp.com

# Office Action Summary

**Application No.**

10/596,323

**Applicant(s)**

GENTRIC, PHILIPPE

**Examiner**

MARCOS L. TORRES

**Art Unit**

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 6-9-06 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Specification***

2. The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-5 and 7-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Black US 20070127374A1.

As to claim 1, Black discloses a communication system comprising a plurality of user apparatuses [202,204,206, 208], a communication network and at least one

application server [218] for implementing an application between a group of at least two user apparatuses, said application allowing transmission of at least a first type of content [audio] from one user apparatus of said group to the other user apparatus or apparatuses of said group and a second type of content [video] from one user apparatus of said group to the other user apparatus or apparatuses of said group, said user apparatuses and said application server comprising user floor control means and server floor control means, respectively, for separately managing floor access by said user apparatuses for the transmission of said first type of content and said second type of content, such that only one user apparatus can have the floor at a given time for transmitting said first type of content, and only one user apparatus can have the floor at the same time for transmitting said second type of content (see fig. 5; par. 0026, 0028-0031, 0068-0069).

As to claim 2, Black discloses a communication system wherein said user floor control means comprise means for transmitting/receiving floor control messages to/from said application server, and said server floor control means comprise means for transmitting/receiving floor control messages to/from said user apparatuses so as to implement a request/grant protocol (see fig. 5; par. 0026, 0028-0031, 0068-0069).

As to claim 3, Black discloses a communication system wherein said first type of content is voice content and said second type of content is picture content (see fig. 5; par. 0026, 0028-0031, 0068-0069).

As to claim 4, Black discloses a user apparatus for use in a communication system comprising a plurality of user apparatuses, a communication network and at

least one application server for implementing an application between a group of at least two user apparatuses, said application allowing transmission of at least a first type of content from one user apparatus of said group to the other user apparatus or apparatuses of said group and a second type of content from one user apparatus of said group to the other user apparatus or apparatuses of said group, said user apparatus comprising user floor control means intended to cooperate with said application server for separately managing floor access by said user apparatuses for the transmission of said first type of content and said second type of content, such that only one user apparatus can have the floor at a given time for transmitting said first type of content, and only one user apparatus can have the floor at the same time for transmitting said second type of content (see fig. 5; par. 0026, 0028-0031, 0068-0069).

As to claim 5, Black discloses a user apparatus wherein said user floor control means comprise means for transmitting/receiving floor control messages to/from said application server so as to implement a request/grant protocol (see fig. 5; par. 0026, 0028-0031, 0068-0069).

As to claim 7, Black discloses an application server for use in a communication system comprising a plurality of user apparatuses, a communication network and at least one application server for implementing an application between a group of at least two user apparatuses, said application allowing transmission of at least a first type of content from one user apparatus of said group to the other user apparatus or apparatuses of said group and a second type of content from one user apparatus of said group to the other user apparatus or apparatuses of said group, said application

server comprising server floor control means intended to cooperate with said user apparatuses for separately managing floor access by said user apparatuses for the transmission of said first type of content and said second type of content, such that only one user apparatus can have the floor at a given time for transmitting said first type of content, and only one user apparatus can have the floor at the same time for transmitting said second type of content (see fig. 5; par. 0026, 0028-0031, 0068-0069).

As to claim 8, Black discloses an application server wherein said server floor control means comprise means for transmitting/receiving floor control messages to/from said user apparatuses so as to implement a request/grant protocol (see fig. 5; par. 0026, 0028-0031, 0068-0069).

As to claim 9, Black discloses an application server wherein said first type of content is voice content and said second type of content is picture content (see fig. 5; par. 0026, 0028-0031, 0068-0069).

As to claim 10, Black discloses an method of allowing transmission of a first type of content from one user apparatus of a group to the other user apparatus or apparatuses of said group and a second type of content from one user apparatus of said group to the other user apparatus or apparatuses of said group, said method comprising a first implementation of a floor control procedure for managing floor access by said user apparatuses for the transmission of said first type of content and a second implementation of said floor control procedure for managing floor access by said user apparatuses for the transmission of said second type of content, such that only one user apparatus can have the floor at a given time for transmitting said first type of content,

and only one user apparatus can have the floor at the same time for transmitting said second type of content.(see fig. 5; par. 0026, 0028-0031,0068-0069).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Black in view Balasuriya US 20050124365A1.

As to claim 6, Black discloses a mobile telephone comprising a camera for capturing moving pictures (see par. 0051), and multiple keys for requesting the floor (see par. 0050). Black does not disclose dedicated keys for voice and video. In an analogous art, Balasuriya discloses using keys for voice and video (see par. 0015). Therefore, it would have been obvious to one of the ordinary skills in the art at the time

of the invention to using keys for voice and video to assist the user to easily identify which media wants to send.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARCOS L. TORRES whose telephone number is (571)272-7926. The examiner can normally be reached on 9:30 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-252-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/George Eng/  
Supervisory Patent Examiner, Art Unit 2617

/Marcos L Torres/  
Examiner, Art Unit 2617



